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Attorney's Docket No. NADII.018A

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

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My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled OOMYCETE FTSZ-MT AS A TARGET FOR OOMYCETE-SPECIFIC FUNGICIDES; the specification of which was filed on January 25, 2001 as Application No. 09/770,509.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Fumiaki Katagiri**

Inventor's signature

Date Dec. 5, 2001

Residence: **4503 Ocean Valley Lane, San Diego, California 92130**

Citizenship: **Japan**

Post Office Address:

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

NADII.018A



#60

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fumiaki Katagiri)
App. No. : 09/770,509)
Filed : January 25, 2001)
For : OOMYCETE FTSZ-MT AS A)
TARGET FOR OOMYCETE-)
SPECIFIC FUNGICIDES)
Examiner : unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and

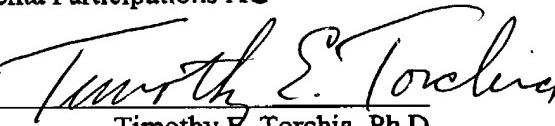
App. No. : 09/770,509
Filed : January 25, 2001

revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

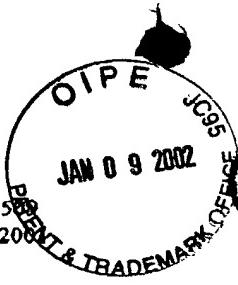
Syngenta Participations AG

Dated: 12-8-01

By: 
Timothy E. Torchia, Ph.D.
Title: Director, Patents
Address: Torrey Mesa Research Institute
3115 Merryfield Row
San Diego, California 92121

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Application No.: 09/770,509
Filing Date: January 25, 2001



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Client Code: NADII.018A
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ASSIGNMENT

WHEREAS, I, Fumiaki Katagiri, a Japanese citizen, residing at 4503 Ocean Valley Lane, San Diego, California 92130, have invented certain new and useful improvements in a OOMYCETE FT SZ-MT AS A TARGET FOR OOMYCETE-SPECIFIC FUNGICIDES for which I have filed an application for Letters Patent in the United States, Application No. 09/770,509, filed on January 25, 2001;

AND WHEREAS, Syngenta Participations AG (hereinafter "ASSIGNEE"), a company organized under the laws of the Swiss Confederation, with its principal place of business at Schwarzwaldallee 215, CH-4058 Basel, Switzerland, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5th day of December, 2001.

Fumiaki Katagiri

STATE OF California }
COUNTY OF San Diego } ss.

On Dec. 5 2001 before me, Cassandra Peters, personally appeared Fumi Katagiri personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

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